

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Herbert Delawder	:	
	:	Case No. 1:04-cv-680
Plaintiff	:	
	:	District Judge Susan J. Dlott
v.	:	
	:	ORDER STRIKING
Platinum Financial Services Corp. et al.	:	DEFENDANTS' MOTION TO
	:	COMPEL DISCOVERY FROM
Defendants	:	THIRD PARTY OHIO STATE
	:	LEGAL SERVICES

The Court **STRIKES** Defendants' Motion to Compel Discovery from Third Party Ohio State Legal Services (doc. 66) for failure to comply with the Court's procedural rules regarding discovery. The Court's Civil Trial Procedure Order states as follows:

THIS COURT DOES NOT PERMIT DISCOVERY MOTIONS, i.e. motions to compel or motions for protective order regarding discovery disputes, unless and until counsel use the following procedure: Counsel must first attempt to resolve disputes by extrajudicial means (required by S.D. Ohio Civ. R. 37.1 and 37.2). This Court defines "extrajudicial means" as requiring counsel to try to resolve the matter both in writing and telephonically. If counsel are unable to resolve the dispute between themselves, then they must contact the Court's case manager, Bill Miller, by either phone (513-564-7630) or by email at Dlott\_Chambers@ohsd.uscourts.gov and a telephone conference with all counsel and the court will be scheduled as soon as possible.

(Civil Trial Procedure Order at 3.) In this instance Defendants failed to notify the Court's case manager of a discovery dispute prior to filing their motion to compel. Nor, after reviewing Defendants' motion, does the Court find any indication that Defendants made any effort to resolve the dispute through extrajudicial means. Accordingly, the Court strikes Defendants'

motion. Defendants have leave to refile the motion if necessary after following the procedures set forth above.

IT IS SO ORDERED.

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s/Susan J. Dlott  
Susan J. Dlott  
United States District Judge